

CASTELL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LAWRENCE RAY,

Case No.

08CV3485

Plaintiff

-against-

ORDER TO SHOW CAUSE

FOR PRELIMINARY

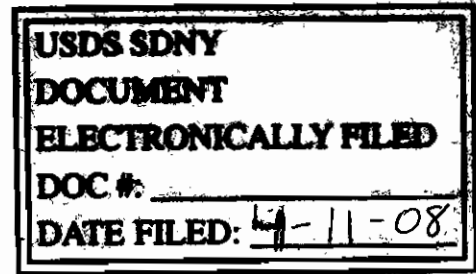
INJUNCTION & TEMPORARY

RESTRAINING ORDER

DAVID A. PATERSON, as Governor of the  
State of New York, ROBERT T. JOHNSON as  
District Attorney of Bronx County, State of  
New York, MARTIN HORN, as Commissioner  
of Corrections of the City of New York, THE  
NEW YORK CITY DEPARTMENT OF  
CORRECTIONS,

JON S. CORZINE, as Governor of the State of  
New Jersey, WAYNE J. FORREST, as  
Prosecutor of Somerset County, State of New  
Jersey, and JULIE M. MARINO, a Judge of the  
Superior Court, State of New Jersey.

Defendants.



UPON the annexed affirmation of Sidney Baumgarten, Esq., dated April 8, 2008,

Pursuant to Local Rule 6.1(d) and the affirmation of Sidney Baumgarten, Esq. dated April  
8, 2008 in support of this application, and upon the Summons and Verified Complaint  
heretofore filed herein,

LET the defendants show cause before this Court at the Courthouse thereof, 500  
✓ Pearl Street, New York NY 10007, at Part \_\_\_\_\_, Room \_\_\_\_\_, on the \_\_\_\_\_ day of April,  
2008 at \_\_\_\_\_ O'clock in the \_\_\_\_\_ noon of that day, or as soon thereafter as counsel  
can be heard,

WHY an Order should not be made pursuant to Rule 65 of the Federal Rules of Civil  
Procedure granting a Preliminary Injunction to the plaintiff enjoining the defendants from

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extraditing the plaintiff from the State of New York to the State of New Jersey during the pendency of this action, on the grounds that any such attempt to extradite the plaintiff will result in irreparable harm and prejudice to the plaintiff and render any final judgment herein ineffectual and moot, and

SUFFICIENT CAUSE APPEARING THEREFOR, it is

ORDERED, that pending the hearing of this motion, the defendants and their agents, employees, attorneys and all persons having actual notice of this Order are hereby

temporarily restrained from taking any action to extradite the plaintiff from the State of

New York to the State of New Jersey and it is further ORDERED THAT SECURITY IN THE AMT OF \$ \_\_\_\_\_ BE POSTED BY \_\_\_\_\_ 2008

ORDERED, that service of a copy of this Order to Show Cause and the papers upon

which it is based, together with a copy of the Summons and Complaint in this action, made

on the defendants by personal delivery or by Overnight Delivery service or Express Mail to

the offices designated by them for service of process, on or before the \_\_\_\_\_ day of April 2008

be deemed sufficient.

Dated: April , 2008  
New York NY

United States District Court Judge

ISSUED:

Plaintiff shall serve this Order on all parties prior to the April 14 hearing in state court. A grand jury sitting in Somerset County, New Jersey has apparently returned an indictment against plaintiff charging him with two counts of concealing the whereabouts of minor children in violation of a custody or visitation order. He presently is in custody on Behrens Island, NY and is challenging his extradition from NY to NJ in a proceeding in Supreme Court, State of New York, Bronx County. Plaintiff now seeks a TRO against the Governor of either NY or NJ "from taking any action to extradite him." Contrary to Local Rule 7.1, no memorandum of law is submitted. This is not a mere technical deficiency. There is no basis in fact at law for the extraordinary relief sought.

This Court declines to enter the proposed order to show cause or applicant for a temporary restraining order on the record before the Court. All relief is DENIED. SO ORDERED. J. M. Lantini, US DJ  
New York, NY 4-11-08 12:15 PM